

# United States District Court

DISTRICT OF

Massachusetts

2004 JAN 23 A 11:53

James J. Nizzo and Virginia C. Nizzo, As Joint Tenants,  
and Carlo Ciliberti, On Behalf of Themselves And  
All Others Similarly Situated,

S.D. DISTRICT COURT  
SUMMONS IN A CIVIL CASE

CASE NUMBER:

04-10065NG

TO: (Name and address of defendant)

Biopure Corporation  
11 Hurley Street  
Cambridge, MA

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Susan E. Stenger  
Perkins, Smith & Cohen, LLP  
One Beacon Street, 30th Floor  
Boston, MA 02108

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

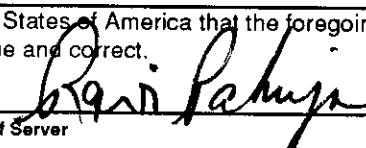
CLERK

TONY ANASIAS

(BY) DEPUTY CLERK

DATE

January 12, 2004

RETURN OF SERVICE			
Service of the Summons and Complaint was made by me (1)		DATE January 19, 2004	
NAME OF SERVER RAVI PAHUJA		TITLE Process Server / A Disinterested Person	
Check one box below to indicate appropriate method of service			
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____, MASSACHUSETTS			
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left: _____			
Said service was made at: _____, MASSACHUSETTS			
<input checked="" type="checkbox"/> Other: By handing true and attested copies thereof to <u>Mr. Jim Burgholzer, Receptionist and</u> Duly Authorized Agent for the within-named <u>Defendant, Biopure Corporation.</u> Said service was made at: _____ <u>11 Hurley Street, Cambridge</u> , MASSACHUSETTS			
STATEMENT OF SERVICE FEES			
TRAVEL	SERVICES	\$ 24.00	TOTAL \$ 24.00
DECLARATION OF SERVER			
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.			
Executed on <u>January 19, 2004</u> Date		 Signature of Server <u>One Devonshire Place, Boston, Massachusetts</u> Address of Server	
ADDITIONAL INFORMATION			
PLEASE NOTE THAT IT WAS NECESSARY TO MAKE _____ ATTEMPTS BEFORE MAKING PROPER SERVICE.			
Date	Time	Remarks	FEE
ALSO SERVED:			\$ _____ .00
- CIVIL ACTION COVER SHEET			\$ _____ .00
- CATEGORY SHEET			\$ _____ .00
- COVER LETTER			\$ _____ .00
			\$ _____ .00
			\$ _____ .00
<b>DUE &amp; DILIGENT SEARCH:</b> \$ _____ .00			\$ _____ .00
because when constable arrived at said address he discovered said address to be			TOTAL \$ _____ .00
(1) As to who may serve a summons see Rule 4 to the Federal Rules of Civil Procedure.			